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| 09/736,670 | 12/13/2000 | Michael J. Lowell | AUTOB.104A | 8011 |
| 20995 | 7590 | 06/30/2004 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP | | | PATEL, JAGDISH | |
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| IRVINE, CA 92614 | | | 3624 | |

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,670

Applicant(s)

LOWELL ET AL.

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 USC § 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 USC § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1-22 are rejected under 35 U.S.C. 112 second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

Claim 1 (defects flow into dependent claims 2-11) Element "a processing module" does not functionally relate to element "an input module" because the service request order received at the input module does not affect determination of "a plurality of service businesses". Even if the processing module is functionally (i.e. structurally) connected nothing is suggested in the service request order that would enable "geographically near the customer" limitation.

Method claims 12-22 correspond to and also contain deficiencies similar to their system counterparts. Therefore, method claims 12-22 are also rejected on the same grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gindlesperger (US Pat. 6,397,197) and further in view of Cupps et al. (US 6,553,347) (Cupps).

5. Gindlesperger teaches an online system for ordering services (see abstract and col. 7 L 17-22 for electronic aspect) comprising:

an input module to receive a service request from a customer (col. 5 L 1-5, receiving at the PrintProSys.SM. server a buyer's invitation-for-bid describing a customized print or other information product or service that the buyer wishes to procure or obtain bids for.);

a processing module adapted to determine a plurality of service businesses. (The method of the present invention then compares and correlates the vendor selection criteria data to the vendor capability data field of each vendor data record in the buyer's vendor pool database. The PrintProSys.SM. server then transmits a vendor's invitation-for-bid data to each vendor in the buyer's vendor pool whose vendor capability data field meets the vendor selection criteria data extracted from the buyer's invitation-for-bid data.);

a transmission module adapted to electronically transmit the service request order to the plurality of service businesses (The PrintProSys.SM. server then transmits a vendor's invitation-for-bid data to each vendor in the buyer's vendor pool whose vendor ~~capability data field meets the vendor selection criteria data extracted from the buyer's invitation-for-bid data.~~);

an estimation module adapted to receive service estimates from the plurality of service businesses (Next, the PrintProSys.SM. server receives a plurality of responding bid data, each being from a corresponding one of the plurality of vendors to whom a vendor invitation-for-bid data

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was transmitted, and each representing the transmitting vendor's price for the particular print information goods or services requested.).

while Gindlesperger teaches online system for ordering services substantially as claimed, it however, fails to teach that the plurality service businesses determined are geographically near the customer.

Cupps in the same field of endeavor, teaches an online ordering method which recites determination of a plurality of service businesses (restaurants) geographically near the customer (abstract, search for vendors servicing the customer's location..).

It would have been obvious to one of ordinary skill in the art at the time of invention in view of Cupps to have the determination of the plurality of service businesses that are geographically near the customer. Motivation for this improvement is that the customer is more likely to purchase services from the merchants geographically near them (their residence) since they are more familiar with these merchants.

Claim 2 Gindlesperger teaches input module comprises a HTML running in an Internet browser (see col. 7 L 19-22 The vendor capability attribute data VA.sub.ij may be submitted by the vendor over the Internet, via an interactive data entry terminal, e.g., a conventional personal computer, as is known in the art.).

Claim 3 while Gindlesperger teaches online system for ordering services substantially as claimed, it however, fails to teach that the service request order comprises a make model and year of an automobile.

However, it is noted that Gindlesperger is concerned with solving the same problem as the subject claim(s) deals with, namely online ordering of services. A prior art reference is analogous if the reference is in the field of applicant's endeavor or, if not, the reference is reasonably pertinent to the particular problem with which the inventor was concerned. In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445

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(Fed. Cir. 1992).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gindlesperger system of online ordering for any type of service including automobile.

Claim 4. The processing module resides on an internet server (see col. 7 L 17+ step 8 the vendor capability attributes VA.sub.ij are transmitted to received by and stored by the PrintProSys.SM. server. The vendor capability attribute data VA.sub.ij may be submitted by the vendor over the Internet, via an interactive data entry terminal, e.g., a conventional personal computer, as is known in the art.)

Claim 5. Gindlesperger and Cupps as analyzed in claim 1 fail to teach that the plurality of service businesses are determined by gathering service businesses with same zip codes as the customer.

However, official notice is taken that gathering service businesses with same zip codes as the customer who is seeking merchants for goods and services is old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of aforementioned references to determine the service businesses by comparing zip codes per claim 5 because it would enable the customer to locate businesses within same zip code, in other words same region as the customer is residing.

Claim 6. wherein the transmission module is ..order across the Internet (col. 7 L 17-22 ..the Internet).

Claim 7-8. Gindlesperger and Cupps as analyzed in claim 6 do not explicitly teach various features of communication of service orders and service estimates over the Internet having formats such as "structured document", XML document, HTML page (per claims 7-10).

Official notice is taken that communicating documents over the Internet via the World Wide Web using various protocols and structured document formats such as XML and HTML are old and well known.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of aforementioned references to modify the aforementioned combination of Gindlesperger and Cupps such that all documents are communicated in conformation with the widely accepted Internet formats such as XML and HTML so as to facilitate easy access and acceptance by customer having Internet access.

Claims 9-11 Gindlesperger fails to teach however, Cupps teaches a page preparation module adapted to generate a Hypertext Markup Language (HTML) page and comprising instructions for electronically sending a link to the generated HTML page (see Cupps col. 8 L 41- col. 9 L 33 for details). In view of Gindlesperger teaching that a plurality of service businesses providing estimates based upon customer for services it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gindlesperger to incorporate a page preparation module per teaching of Cupps to generate a Hypertext Markup Language (HTML) page and comprising instructions for electronically sending a link to the generated HTML page to the customer because this modification would allow the creation of web pages customized for a particular customer's needs and would provide easy access to the desired service businesses who have provided estimates for the customer's service order.

Regarding claim 11, Gindlesperger and Cupps as analyzed in claim 10 fail to disclose a telephone reminder module as per the claim. However, it is old and well known to remind a customer if he or she fails to respond to certain advertisement or routine telephone call concerning routine repair and maintenance of vehicles or appliances.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a telephone reminder module as per the official notice to contact the customer who fails to view the generated HTML page(i.e. at least acknowledge receipt of the estimate from the businesses) because it would ensure that the customer are reminded that they have received the estimates which should be acted upon.

6. Claims 12-22 recite method steps or processes, which are carried out by respective elements of the system claims 1-11.

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Accordingly claims 12-22 are analyzed per respective system claims 1-11.

(Note since the system claims are not recited to a structure conforming to 112(sixth) requirements (means plus function format), it is acceptable to treat the method claims as being equivalent counterpart of the respective system claims.)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

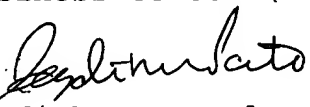
Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jagdish N. Patel

(Primary Examiner, AU 3624)

6/26/04